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7  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE DISTRICT OF ARIZONA

10 United States of America,  
11 Plaintiff,  
12 vs.  
13 Larry Edward Brown, Jr.,  
14 Defendant.

CR-24-0355-PHX-SPL  
GOVERNMENT'S MOTION *IN LIMINE*  
TO EXCLUDE DEFENDANT'S  
HEARSAY STATEMENTS

15 Now comes the United States of America, by and through its undersigned attorneys,  
16 and hereby submits this Motion *in limine* to exclude introduction of hearsay statements by  
17 the defendant.

18 The Federal Rules of Evidence define hearsay as a statement by the declarant that  
19 was not made while testifying at the current trial, and that is offered in evidence to prove  
20 the truth of the matter asserted. Rule 801(c), Fed. R. Evid. Hearsay is not admissible unless  
21 subject to an exception. Rule 802, Fed. R. Evid. A defendant's non-self-inculpatory  
22 statements are inadmissible hearsay. *United States v. Ortega*, 203 F.3d 675, 682 (9th Cir.  
23 2000); *Williamson v. United States*, 512 U.S. 594, 599-600 (1994). Allowing a defendant  
24 to place his exculpatory statements before the jury without subjecting himself to cross-  
25 examination is "precisely what the hearsay rule forbids." *United States v. Fernandez*, 839  
26 F.2d 639, 640 (9th Cir. 1988).

27 For the reasons discussed, the government respectfully requests an order by the  
28 Court that the defendant be precluded from introducing his hearsay statements through

1 cross-examination of the government witnesses, through direct examination of any defense  
2 witnesses other than the defendant himself, or from referencing such statements in defense  
3 counsel's opening statement.

4 **PROPOSED LANGUAGE**

5 Should the Court grant this motion *in limine*, the government respectfully requests  
6 that the Court include the following language in its order:

7 The Defendant, Larry Edward Brown, Jr., is precluded from introducing his hearsay  
8 statements through cross-examination of the government witnesses, through direct  
9 examination of any defense witness other than the defendant himself, and during defense  
10 counsel's opening statement.

11 Respectfully submitted this 14th day of January 2025.

12 GARY M. RESTAINO  
13 United States Attorney  
14 District of Arizona

15 *s/Monica E. Ryan*  
*s/Nathaniel J. Walters*

16 MONICA E. RYAN  
17 NATHANIEL J. WALTERS  
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18 Copy of the foregoing served electronically or by  
19 other means this 14th day of January 2025, to:  
20 All ECF Participants  
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